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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,771	03/04/2002	Yao-Hao Chang		6829

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EXAMINER

KNAUSS, SCOTT A

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/091,771

Applicant(s)

CHANG, YAO-HAO

Examiner

Scott A Knauss

Art Unit

2874

-- The MAILING DATE of this c mmunication appears on the cover sheet with the corresp ndence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-8 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 06-294911 (Nishina).

Regarding claim 9, Nishina discloses:

input and output fibers #2

first and second ferrules #3,#5 receiving the fibers therein

confrontation ends of the first and second ferrules spaced from one another

an attenuation device #19 between the confrontation ends.

A retainer (either sleeve #18 or flange #15) holding the first and second ferrule to have the first and second fiber and the attenuating device moved together axially.

Regarding claim 10, Nishina discloses a sleeve #14 engaged with a housing #13, and cooperating with the housing to enclose the retainer.

Regarding claim 11, Nishina discloses a resilient spring #16 which is engaged with the retainer #15 (the retainer holding the first and second ferrule in place within sleeve #14) so as to have the retainer with the associated first and second fibers and attenuating device recoverably moved with regard to both said sleeve and said housing easily.

Regarding claim 12, Nishina discloses the attenuating device attached to one of the confrontation ends.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 62-121405 (Umeki et al) in view of JP 06-294911 (Nishina)

Regarding claim 1, Umeki discloses a subassembly in the figure comprising:

A ND (neutral density) filter #4 having a first and a second surface, both surfaces not being perpendicular to an incident light beam.

Input and output fibers #1 which are received by first and second ferrules (#2,#3)

Umeki discloses a single retaining device #9, but does not disclose a plurality of retaining devices and a cover retaining the retaining devices.

Nishina, on the other hand, discloses a package in figure 1 for holding an subassembly 1c (see also fig. 2) similar to that of Umeki, the package having a plurality of retaining devices for retaining a pair of ferrules (#3,#5) and a filter #19, including a housing #14, a sleeve #18, and a flange #15 in order to secure the subassembly, and a cover #13 retaining the retaining devices. Such a package is advantageous, because it protects the subassembly and enables the subassembly to be easily connected to other optical connectors.

Therefore it would have been obvious to one of ordinary skill in the art to mount the attenuating subassembly disclosed by Umeki into the package of Nishina by attaching a flange (such as #15 of Nishina) to one of the ferrules of Umeki, and placing the subassembly of Umeki within the housing #14 of Nishina, in order to protect the subassembly of Umeki and to connect the subassembly of Umeki to other optical devices.

Regarding claim 2, the ND filter of Umeki has a previously guaranteed specified attenuation (see abstract), and is thus a fixed attenuator.

Regarding claim 3, the filter of Umeki is attached to a terminal of both ferrules, and thus covers a terminal of both the input and the output fibers.

Allowable Subject Matter

6. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5-8 are allowed.

The prior art fails to disclose an optical attenuator having first and second fibers, first and second ferrules, an attenuating device between the ferrules, which further comprises a tube, a shell, a sleeve, a spring, a latch, a housing, and a cover.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

JP 03-25403 (Kaihara et al), JP 01-210903 (Okawara) and JP 04-265908 (Aikawa et al) each disclose similar types of attenuators to that of Umeka and Nishina.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A Knauss whose telephone number is (703) 305-5043. The examiner can normally be reached on 9-6 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (703) 308 - 4819. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Art Unit: 2874

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0530.

Scott Knauss

Art Unit 2874

sak
April 18, 2003



HEMANG SANGHAVI
PRIMARY EXAMINER